

Evans Town Board

At the regular meeting of the Town Board of the Town of Evans, held at the Evans Town Hall, 8787 Erie Road, Angola, New York on Wednesday, April 18, 2012 at 7:00pm there were:

PRESENT:	Dennis M. Feldmann	Councilman
	Paul T. Cooper	Councilman
	Keith E. Dash	Supervisor
ALSO PRESENT:	Jonica B. DiMartino	Town Clerk
	J. Grant Zajas	Town Attorney
	Jeanne C. Ebersole	Assessor
	Charles LaBarbera	Building Dept. Head
	Lori Szewczyk	Dir. of Community Development
	Scott Dill	Finance Dept.
	Russ Manguso	Parks Commissioner
	Sandra Brant	Dir. of Planning
	Ernie Masullo	Police Chief
	Diana Cafferty	Supervisor's Dept.
	Jim Guarino	Water Dept.
	Rick Hanavan	Wendel Duchscherer
EXCUSED:	Julie Roach	Seniors Dept. Head
	Patrick Conrad	St. Pt. Marina Dept. Head
ABSENT:	Edward Michalski	Highway Superintendent

RESOLUTION 2012-148 Approve Minutes

Councilman Feldmann moved and Councilman Cooper seconded that the reading of the minutes of the meeting of the regular meeting of April 4, 2012 and work session of April 11, 2012 be dispensed with and approved as submitted by the Town Clerk.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

Communications

1. Sandra Brant, Chairman Planning Division RE: Special Use Permit-1759 Sturgeon Point Rd- William & Victoria Kurek- Supervisor Dash read the communication and the Town Board acted on the following:

RESOLUTION 2012-149 Set Public Hearing

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, in a letter dated April 12, 2012, the Evans Planning Office has requested that the Town Board set a public hearing regarding the petition of William & Victoria Kurek, 1759 Sturgeon Point Road, Derby, NY 14047, for a special use permit for the purpose of operating a commercial kennel for a dog daycare and boarding facility, to be located at 1759 Sturgeon Point Road, Derby, NY. SBL# 207.00-4-66.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorize the Town Clerk to advertise for a public hearing to be held on May 2, 2012 at 7:20pm for the consideration of said special use permit.

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and to the Code Enforcement Office.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

2. Sandra Brant, Planning Director RE: Proposed Town Code Revisions (Chapter 200 Zoning, Chapter 178 Subdivision, Chapter 175 Streets & Sidewalks & Chapter 149 Property Maintenance)- Supervisor Dash read the communication and the Town Board acted on the following:

RESOLUTION 2012-150 Set Public Hearing to consider adoption of Proposed Local Law #1 of the year 2012

Supervisor Dash moved and Councilman Cooper seconded,

WHEREAS, in a letter dated April 4, 2012, the Planning Director has requested that the Evans Town Board set a public hearing regarding proposed miscellaneous revisions to the Town Code, Section 200 Zoning, Section 178 Subdivision, Section 175 Streets and Sidewalks and Section 149 Property Maintenance.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Clerk to advertise for a public hearing to be held on May 2, 2012 at 7:30pm for the consideration of said revisions to the Town Code,

AND BE IT FURTHER RESOLVED, that a copy of this resolution be given to the Planning Office and the Code Enforcement Office.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

Privilege of the Floor on Meeting Agenda Items & Other Issues

1. Tom Marks, 7004 Waring Circle, Derby, NY, spoke about his concerns with the Eagle Permit changes in the regulations governing Eagle Permitting (killing).

RESOLUTION 2012- 151 Old Business Item moved

Councilman Feldmann moved and Councilman Cooper seconded to remove item #4 Town Safety Officer and put it on the resolution portion of the meeting.

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2012-152 Old Business

Councilman Cooper moved and Councilman Feldmann seconded to keep the following three items on Old Business:

1. PLL#3 of 2011- RE: Live Band/Special Event Licenses
2. Appt of full-time Patrolman
3. PBA Contract

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2012-153 Suspend the Rules to add two additional resolutions- Appt of Town Safety Officer and Sale of Public Property

Councilman Feldmann moved and Councilman Cooper seconded, to suspend the rules and include two (2) additional resolutions to the resolution portion of the meeting.

1. Appt. of Town Safety Officer
2. Sale of Public Property- Tower Resolution- Sturgeon Point Marina

VOTE RESULT: ADOPTED
 AYES - Feldmann, Cooper, Dash
 NAYS - none

RESOLUTION 2012-154 Schedule PH for a proposed change in the water rates

Councilman Cooper moved and Supervisor Dash seconded,

WHEREAS, budgetary matters faced by the Town of Evans need to be addressed; and

WHEREAS, the Town has examined expenses and income sources available to the Town; and

WHEREAS, the Town residents have had o increase in water rates regardless of increased expenses to the Town; and

WHEREAS, the Town board deems it appropriate to adjust water rates charged to water customers of the town of Evans;

NOW THERFORE BE IT RESOLVED, that the Town Clerk is authorized and directed to advertise for a public hearing to be held on May 16, 2012 at 7:10 pm for the receipt of, and consideration of, comments from and input from residents of the town concerning a proposed and potential increase in the water rate charged to customers of the Town in an amount not to exceed \$.50 per thousand gallons of water billed.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

RESOLUTION 2012-155 Proclaim May 19-25, 2012 as National Safe Boating Week

Councilman Feldmann moved and Councilman Cooper seconded,

WHEREAS, Recreational Boating is fun and enjoyable and we are fortunate that we have sufficient resources to accommodate the wide variety of pleasure boating demands, and

WHEREAS, our waterways may become crowded at times and be a place of chaos and confusion, and

WHEREAS, while being a marvelous source of recreation, boating to the unprepared can be a risky sport and not knowing or obeying the Navigation Rules or the nautical “Rules of the Road”, drinking alcohol or taking drugs while operating a boat or choosing not to wear your life jacket when doing so is clearly NOT the smart thing to do, and

WHEREAS, on average 700 people die each year in boating related accidents in the U.S. with approximately 70% of these fatalities caused by drowning, and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors, and

WHEREAS, a significant number of boaters who lose their lives by drowning each year would be alive today had they worn their life jacket, and

WHEREAS, today’s life jackets are more comfortable, more attractive and more wearable than styles of years past and deserve a fresh look by today’s boating public,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Evans, does hereby support the goals of the North American Safe Boating Campaign and proclaim May 19-May 25, 2012, as National Safe Boating Week and the start of the year-round effort to promote

safe boating.

VOTE RESULT: ADOPTED
AYES - Feldmann, Cooper, Dash
NAYS - none

RESOLUTION 2012-156 Appt of Sturgeon Point Advisory Member

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, there is a vacancy on the Sturgeon Point Advisory Board,

NOW THEREFORE BE IT RESOLVED THAT Thomas A. Smaldino ,9239 Lakeside Drive, Angola NY 14006 is hereby appointed to the vacancy on the Sturgeon Point Advisory Board, and

BE IT FURTHER RESOLVED THAT the term of office expires on 12/31/12.

VOTE RESULT: ADOPTED
AYES - Feldmann, Cooper, Dash
NAYS - none

RESOLUTION 2012-157 Authorize Supervisor to execute contract with Village of Angola for building inspection services

Councilman Cooper moved and Councilman Feldmann seconded,

WHEREAS, the contract for Building Inspection Services between the Town of Evans and the Village of Angola is expiring, and

WHEREAS, the Town of Evans and the Village of Angola wish to continue the shared services agreement of Building Inspection services,

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to execute a contract between the Town of Evans and the Village of Angola for Building Inspection services subject to the approval of the Town Attorney and the Director of Finance .

VOTE RESULT: ADOPTED BY ROLL CALL
Councilman Feldmann Aye
Councilman Cooper Aye
Supervisor Dash Aye

RESOLUTION 2012-158 Appt of Laborers for the Sturgeon Point Marina

Councilman Feldmann moved and Supervisor Dash seconded,

RESOLVED; that the following individuals be appointed to the position of laborer; to work at the Sturgeon Point Marina; to be called as needed; to be paid the designated hourly rate of pay:

Tara Barone	6707 Derby Rd, Derby	\$7.50
Jeff Zoda	225 Lake St, Angola	\$7.50
Gary Ippolito	504 Eisenhower Rd, Angola	\$7.50
Jeremy Courneyea	865 Bennett Rd, Angola	\$8.00
Steven Siracuse	9038 Joyce Lane, Angola	\$8.00
Patricia Conrad	364 Wilson Rd, Angola	\$8.00
Arthur Buczkowski	775 Sturgeon Point Rd, Derby	\$8.00
Daniel Haidon	6647 Gates Dr, Derby	\$8.00
William Ludwig	53 Sunset Blvd, Angola	\$8.00
Allison Ludwig	53 Sunset Blvd, Angola	\$8.00
James Feldmann	343 Roat Dr, Angola	\$8.00
Frederick Bartlett	1069 Brookwood, Derby	\$8.50
Phyllis Jost	1711 Sturgeon Pt Rd, Derby	\$8.50

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

RESOLUTION 2012-159 Sale of Public Property-Tower Access Easement

Supervisor Dash moved and Councilman Cooper seconded,

Whereas Global Signal Acquisitions IV LLC, a Delaware limited liability company has expressed an interest in acquiring a permanent/perpetual easement in and over a portion of real property owned by the Town of Evans and having frontage on Eden Evans Town Line Road, which parcel is identified as SBL 222.00-4-1.11, and which easement would be approximately 25 feet in width by approximately 417.00 feet in depth, irregular in size and shape, as a survey and/or legal description will more accurately describe; and

Whereas the Town has previously entered into a lease arrangement generally concerning the same or similar parcel; and

Whereas Global Signal Acquisitions IV LLC has offered the sum of \$50,000 for the purchase of such easement; and

Whereas the Town Board has determined that the sale of such easement would not negatively impact the operation of the Town of Evans or any of its facilities and preservation of the area proposed free of such easement is not required by the Town of Evans

Now Therefore Be it Resolved that, subject to a permissive referendum, the Supervisor

of the Town of Evans, Keith E. Dash, or his designee, is hereby authorized to execute an agreement with Global Signal Acquisitions IV LLC or its assignee for such purposes and to further execute such document or documents as may be reasonable for the conveyance of such permanent or perpetual easement to be described more accurately in such documents and forming a part of a parcel of land owned by the Town of Evans and known as SBL 222.00-4 1.11 (formerly identified as SBL 222.00-4-1.1) to Global Signal Acquisitions IV LLC or its assignee, subject to the approval of the Town Director of Finance and Town Attorney;

And Be It Further Resolved that the Town Clerk is authorized and directed to publish and/or post such notices as may be required for such purposes.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

RESOLUTION 2012-160 Appt of Safety Officer

Supervisor Dash moved and Councilman Feldmann seconded,

WHEREAS, the Town of Evans is in need of a Employee Safety Coordinator, and

WHEREAS, this individual has already served in this capacity and has the knowledge and experience to perform these duties,

NOW THEREFORE BE IT RESOLVED, that John Ruszaj be appointed as Employee Safety Coordinator for the Town of Evans at an annual salary of \$1,700.00 per year and the term expiring on 12/31/2012, and

BE IT FURTHER RESOLVED, that he be under the direct supervision of the Supervisor.

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

RESOLUTION 2012-161 Audit of Bills

Councilman Cooper moved and Councilman Feldmann seconded,

BE IT RESOLVED, that all properly audited bills be paid forth out of their respective accounts as set forth in the abstracts brought forth on April 18, 2012

Date: 04/04/2012
 Abstract No. 6
 Voucher No. 488-577

Prepaid: 19

GENERAL	42,834.46
PART TOWN	840.46
HIGHWAY DA	0
HIGHWAY	4,040.00
WATER	3,191.24
CAPITAL PROJECTS	8,324.96
SPECIAL DISTRICTS	1,200.71
DEBT SERVICE	0.00
COMMUNITY DEVELOPMENT	<u>0.00</u>
TOTAL	60,431.83

VOTE RESULT: ADOPTED BY ROLL CALL
 Councilman Feldmann Aye
 Councilman Cooper Aye
 Supervisor Dash Aye

RESOLUTION 2012-162 Adjournment

Supervisor Dash moved and Councilman Cooper seconded, to adjourn to Thursday, April 19, 2012 at 6:30pm for Special Meeting with Retirees regarding healthcare (5:30pm meeting with Town Employees was cancelled by the Supervisor’s Office) then to Wednesday, April 25, 2012 @ 6:15pm for a Work Session, Wednesday, May 2, 2012 @ 6:30pm for an Agenda Meeting and 7pm for the Town Board Meeting.

VOTE RESULT: ADOPTED
 AYES- Feldmann, Cooper, Dash
 NAYS- none

These minutes are an unofficial copy unless the original signature of the Town Clerk is affixed below. The original official paper minutes are stored in the Town’s vault.

Respectfully Submitted,

**Jonica B. DiMartino
 Town Clerk
 Town of Evans**